HICH COURT OF UTTARANCHAL AT NAINITAL

CIVIL REVISION NO. 498 OF 2001
Old No. 160D of 1997

Surat Singh Rawat ….Applicant

Versus

State Bank of India …Opp.Party

Dated: 31, July, 2004

Counsel for the Applicant Sri Anurag Jauhari Advocate
Sh. S.K.Jain for the Respondent

Hon. Rajesh Tandon J.

Heard the counsel for the parties.

By the aforesaid Civil Revision the applicant has challenged the order passed by the Distt Judge dated 4.7.1997 by which the application 37 Ga has been disposed of. The court below has vacated the stay order dated 8.12.95 by which the execution proceedings were stayed.

Briefly stated a Civil suit for the recovery of Rs. 1,56,556.32 paisa was filed on 27.2.1989. Suit was decreed. The decree was passed ex-parte and hence the application was moved for recalling the order but the same was dismissed and hence and execution application was filed by the decree holder.

The judgement Debtor has filed the objections under section 47 of the Code of Civil Procedure on 8.12.95. The execution proceeding were stayed.

By the impugned order the stay order has been vacated
Since by the order impugned, only stay order has been vacated and objections under section 47 Code of Civil Procedure has yet to be decided, I find no infirmity or jurisdictional error in the

impugned order so as to interfere under section 115 of the code of Civil Procedure.

Revision is dismissed. No order as to costs.

(Rajesh Tandon J)

July, 31,2004
Dhyani